

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WILLIE J. WHITFIELD,

Plaintiff,

v.

CIVIL ACTION NO. H-08-cv-2454

ITRON, INC., et al.,

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Defendants.

ORDER

Before the Court is Defendants' Motion to Dismiss. (Doc. No. 11.) Plaintiff has not filed a Response to Defendants' Motion. On May 15, 2009, the Court held a hearing and gave Plaintiff an additional ten days to respond to Defendants' Motion. Since Plaintiff has failed to respond, Defendants' Motion to Dismiss is **GRANTED**. Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 1st day of June, 2009.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

TO ENSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT.